

CONSCIENTIOUS OBJECTION IN THE HEALING PROFESSIONS:

A READER'S GUIDE TO THE ETHICAL AND SOCIAL ISSUES

Pharmacists

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(May 3, 2014)

Pharmacists have long been involved in the conscientious objection debate, especially relating to contraception. Citing moral and religious beliefs, some pharmacists have refused to fill in prescriptions for emergency contraception.¹ In addition, some court rulings, such as in *Stormans, Inc. v. Selecky*, have held that forcing pharmacies to dispense Plan B is against the First Amendment.² Disregarding research that shows that emergency contraception only prevents implantation, some objectors regard emergency contraception as a form of abortion. Some pharmacists also refuse to refer the patient to another provider, or even to provide information, despite the fact that emergency contraception is time sensitive.

A key question in this debate is: how will objecting pharmacists balance their interests with those of the patients and the community they serve? Wicclair argues, “[S]ince a pharmacy licensee has an obligation to promote the public health, safety, and welfare, a pharmacy may justifiably refuse to stock and dispense a medication for reasons of conscience only if members of the population in its service area have timely and convenient access to the medication at other pharmacies.”³ Card notes that, for the American Pharmacist Association, the right to object exists but it is not absolute. Since professionals do not need to state their reason for objecting, conscientious objection may seem unlimited; however, “the beliefs on which conscientious objection is based must be reasonable and should be subject to evaluation in terms of their justifiability.”⁴ On the role of pharmacists, Card observes, “A pharmacist’s role is not to second-guess an adult’s decisions regarding the use of an approved pharmaceutical but is to provide convenient and safe access to medications.”⁴

Some state laws prohibit pharmacists from refusing to fill prescriptions. Pope refers to New Jersey which “bars pharmacies from refusing to fill prescriptions for drugs or medical devices based on employees’ philosophical, moral, or religious objection. Many other states mandate the provision of emergency contraception, especially in cases of sexual assault.”⁵ If, for example, a pharmacy is obligated by the state to dispense emergency contraception but the pharmacist on staff refuses to dispense, what is the pharmacy to do? Is it acceptable for the pharmacy to fire the pharmacist and to search of another?

Jere Odell, Rahul Abhyankar, Amber Malcolm, Avril Rua. Pharmacists. *Conscientious objection in the healing professions a readers’ guide to the ethical and social issues*. May 3, 2014. (Complete guide available from: <http://hdl.handle.net/1805/3844>.)

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These disputes and attempts to compensate for refusing pharmacists may produce substantial financial burdens on the pharmacy. Lynch believes,

Employers should have no obligation to subsidize physicians' moral beliefs by hiring or retaining doctors whose conscientious refusals would require the employer to undertake significantly burdensome accommodations. If refusing physicians are simply allowed to enter and continue in the profession, are shielded from liability when they satisfy their limited responsibilities, and are reasonably accommodated by their employers, that is sufficient.⁶

The same could be said for pharmacies.

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